

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 EUMI L. CHOI (WVSBN 0722)
3 Chief, Criminal Division

4 GREGG W. LOWDER (CSBN 107864)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
Telephone: (415) 436-7044
7 Fax: (415) 436-7234

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	No. CR 3 05-70637 BZ
)	CR 05-0653 PJH
13 Plaintiff,)	
)	PROPOSED ORDER EXCLUDING
14 v.)	TIME FROM SEPTEMBER 28, 2005
)	THROUGH OCTOBER 12, 2005 FROM
15 DAMIEN RAYMOND,)	CALCULATIONS UNDER THE SPEEDY
)	TRIAL ACT (18 U.S.C. § 3161) AND
16 Defendant.)	UNDER F.R.C.P. 5.1

17
18 The parties were before this Court for appearance on the pending complaint on
19 September 28, 2005. The defendant was personally present and out of custody. Steven G.
20 Kalar, Assistant Federal Public Defender, appeared on behalf of the defendant. Robin Harris,
21 Assistant United States Attorney, appeared for the United States. The Court continued the
22 matter to October 12, 2005 @ 9: 30 a.m. for defendant's next appearance in magistrate court.

23 At the request of the defendant, the Court enters this order documenting the exclusion of
24 time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, and from calculations
25 under Federal Rule of Criminal Procedure 5.1, from September 28, 2005 through October 12,
26 2005. The parties, including the defendant, agree and the Court finds and holds as follows:

- 27 1. The defendant understands and agrees to the exclusion of time from calculations under
28 the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure

Order re Speedy Trial Exclusion of Time
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Rule 5.1, from September 28, 2005 through October 12, 2005 based upon the need for the defense to analyze the results of the settlement conference held on September 27 and to investigate further the facts of the case and any motions that may lie, all in order to effectively prepare the defendant's case.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act and under Federal Rule of Criminal Procedure 5.1 for the above reasons, and believes the exclusion of time is necessary for effective preparation and is in the defendant's best interests, and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure 5.1 should be from September 28, 2005 through October 12, 2005.

Given these circumstances, the Court finds that the ends of justice served by excluding from calculations the period from September 28, 2005 through October 12, 2005, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161, and under the rights encompassed in Federal Rule of Criminal Procedure 5.1. Accordingly, and with the consent of the defendant, the Court (1) sets an appearance date before the Honorable James Larsen, United States Magistrate Judge, on October 12, 2005, @ 9:30 a.m., and (2) orders and finds that the time from September 28, 2005 through October 12, 2005 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161, and under Federal Rule of Criminal Procedure 5.1.

SO STIPULATED:

DATED: 10/05/05

/s/
STEVEN G. KALAR
Attorney for Defendant

DATED: 10/04/05

/s/
GREGORY S. LOWDER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: October 20, 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
James
Chief
Nandor J. Vadas
U.S. Magistrate Judge